IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20307 of 2004

Between:

1 Vasapalli Ammolu, S/o. Sattaiah,
R/o. Chinna Mangamaripeta,

K. Nagaram Palem Gram Panchayat,
Bheemunipatnam Mandal, Visakhapatnam District.
2 Vasapalli Sankar Rao, S/o. Nallaiah,
R/o. Chinna Mangamaripeta,

K. Nagaram Palem Gram Panchayat,
Bheemunipatnam Mandal, Visakhapatnam district.
3 Vasapalli Ankulu, S/o. Late Pedda Ankulu,
R/o. Kapalladibbala Palem Village, Bheemunipatnam Mandal,
Visakhapatnam District.

..... PETITIONERS

AND

1 The District Collector,

Visakhapatnam, Visakhapatnam District.
2 The Joint Director of Fisheries,

Department of Fisheries, Fishing Harbor,
Visakhapatnam District.
3 The Assistant Director of Fisheries,

Department of Fisheries,
Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not allowing the petitioners to catch the fish with the permissible size of net i.e., more than 1/2 mesh size net as bad, arbitrary, contrary to A.P. Marine Fishing (Regulation) Act 1994 and also offends Art. 14, 19 and 21 of the Constitution of India.

Counsel for the Petitioners: Ms. M.VIDYAVATHI

Counsel for the Respondents: GP FOR FISHERIES

The Court at the admission stage made the following ORDER:

The petitioners contend that they purchased fishing boats and the boats were registered with the Fisheries Department. The grievance of the petitioners is that while they were going on boats to the sea for fishing operations, the respondents. 2 and 3 are preventing them from proceeding to fishing operations on the ground that the nets that are being used by them are not to the standard prescribed by the Fisheries Department. The Fisheries Department appeared to have prescribed certain specifications regarding the size of the mesh of the nets and they have every right to prevent the owners of the boats from undertaking the fishing operations by using the nets, which are not confirming to the standard prescribed by them. The petitioners further contend that they are using the nets with the size of the mesh as prescribed by the Fisheries Department. Despite that, they are prevented from proceeding to the fishing operations.

In the light of the grievances expressed by the petitioners, the respondents. 2 and 3 are directed to physically verify the nets, that are being used by the petitioners in their mechanized boats and on satisfying with the nets, confirm to the standard prescribed by the Fisheries Department, shall permit them to undertake the fishing operations.

Accordingly, the Writ Petition is disposed of.

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(Dr.G.YETHIRAJULU,J)

4th November, 2004.

Note:

Furnish C.C. by tomorrow.

B/o

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To

1 The District Collector,

Visakhapatnam, Visakhapatnam District.

2 The Joint Director of Fisheries,

Department of Fisheries, Fishing Harbor,
Visakhapatnam District.

3 The Assistant Director of Fisheries,

Department of Fisheries,
Visakhapatnam District.

4 Two CCs to the GP for Fisheries, High Court of A.P.,

Hyderabad (O.U.T.).

5 Two CD Copies.